


APPENDIX A

AMENDMENT FILED CONCURRENTLY WITH APPEAL BRIEF OF FEBRUARY 9, 2005

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

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|---------------------------------|---|---|
| Applicant: RAVIV GABRIEL |) | I hereby certify that this paper is being deposited |
| |) | with the United States Postal Service as first-class |
| |) | mail, postage prepaid, in an envelope addressed to: |
| Serial No.: 09/901,244 |) | Mail Stop Appeal Brief - Patents |
| |) | Commissioner for Patents |
| Title: EAR PROBE TIP |) | P.O. Box 1450 |
| |) | Alexandria, VA 22313-1450 |
| Filed: JULY 9, 2001 |) | on this date February 10, 2005 |
| |) | |
| Group Art Unit: 3736 |) |  |
| |) | Anthony G. Sitko |
| Examiner: CHARLES MARMOR II |) | Reg. No. 36,278 |
| |) | Attorney for Applicant |

**AMENDMENT FILED CONCURRENTLY WITH
APPEAL BRIEF OF JANUARY 29, 2005**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This amendment is filed concurrently with the Appeal Brief of February 9, 2005.

Amendments to the Specification begin on page 24.

Amendments to the Drawings begin on page 25.

Remarks begin on page 26 of this paper.

AMENDMENTS TO THE SPECIFICATION

Please amend the specification as follows:

Amend the paragraph on page 7 beginning at line 6 as follows:

Also, a ring 30 may be disposed on the body portion ~~end 21 (or body portion~~
20) 20 between the second end 28 and the flange 26. The ring 30 may be grasped by
hand to facilitate positioning the ear probe tip 10 over the probe end 52. Further, it is
desirable to grasp the ring 30 instead of the flanges 23, 24, 25, 26 because if the
flanges 23, 24, 25, 26 are damaged the ear probe tip 10 may not operate properly.
Accordingly, the ring 30 may be located .100 inches from the second end 28 as
measured from the ring center line. The ring 30 may have a radius of .050 inches or
whatever other radius necessary for proper performance of the ear probe tip 10. The
ring 30 cross sectional area may be in the shape of a half circle or any other shape
necessary for proper performance of the ear probe tip 10. The ring 30 may be
continuous or non-continuous around the outer surface of the body portion 20.

AMENDMENTS TO THE DRAWINGS

Please amend the drawings, specifically Figure 3 as follows and as indicated in the replacement sheets attached. The office action has objected to the drawings. Particularly, the examiner has indicated that the reference sign "24" appears twice in Figure 3, the reference sign "21" mentioned in the specification is not shown and the reference sign "54" included in Figure 3 and "56" included in Figure 6 are not mentioned in the specification.

Regarding Figure 3, the lower instance of reference sign "24" and the only instance of reference sign "54" have been removed. Regarding Figure 6, the instance of reference sign "56" has been removed. Finally, the reference to reference sign "21" has been removed from the specification as noted in the "Amendments to the Specification" section of this amendment. Accordingly, the objection to the drawings should be withdrawn.

REMARKS

The amendments to the specification and drawings are made to address the examiners concerns in the final Office Action mailed on July 28, 2004. Specifically, the drawings are amended to delete the second instance of reference numeral "24" in Figure 3, reference numeral "54" in Figure 3 and reference numeral "56" in Figure 6. Additionally, the reference to reference numeral "21" on page 7, line 6 of the specification has also been deleted. No new matter is added by these amendments and as such, Applicants submit that the specification and drawings are now in acceptable form and respectfully request the withdrawal of the objection to the drawings.

The examiner is invited to contact applicant's undersigned attorney with any questions regarding this amendment or the application as a whole. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855. Entry of the instant amendments is respectfully requested.

Respectfully submitted for,

MARSHALL, GERSTEIN & BORUN LLP

February 10, 2005

By: 

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